

ORDINANCE NO. 3909

AN ORDINANCE ESTABLISHING AN EDMONDS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT; LEVYING ASSESSMENTS UPON BUSINESS OWNERS; PROVIDING FOR THE DEPOSIT OF REVENUES IN A SPECIAL ACCOUNT AND EXPENDITURES THEREFROM; PROVIDING FOR COLLECTION OF AND PENALTIES FOR DELINQUENCIES; PROVIDING FOR THE ESTABLISHMENT OF A MEMBERS ADVISORY BOARD; AND PROVIDING FOR AN IMPLEMENTATION AGREEMENT WITH A PROGRAM ADMINISTRATOR.

WHEREAS, the owners and operators of businesses located within the area and representing approximately sixty percent (60%) or more of the assessments levied by this ordinance signed a petition in support of establishing an Edmonds Downtown Business Improvement District; and

WHEREAS, pursuant to RCW 35.87A.030, the City Council on November 27, 2012 adopted Resolution 1284 entitled "A Resolution of the City Council of the City of Edmonds, Washington, initiating a proposal for a Business Improvement District within a portion of the City of Edmonds";

WHEREAS, pursuant to RCW 35.87A.040, the City Council on December 18, 2012 adopted Resolution 1285 entitled, "A Resolution of the City Council of the City of Edmonds, Washington, Declaring the City's Intent to Establish a Business Improvement District Within a Portion of the City of Edmonds and Setting a Public Hearing Date Regarding the Same"; and

WHEREAS, the Edmonds Downtown Business Improvement District established herein is for the purpose of enhancing conditions for the owners and operators of businesses;; and

WHEREAS, as provided by Resolution 1285, the City Council, held a public hearing on the Edmonds Downtown Business Improvement District on January 15, 2013 in the City Council Chambers, City Hall, 250 Fifth Avenue North, Edmonds, Washington; and

WHEREAS, the testimony received at that hearing resulted in the Council determining that establishing an Edmonds Downtown Business Improvement District is in the best interest of the owners and operators of businesses within its boundaries and the public generally; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. A new chapter 3.75 of the Edmonds City Code entitled “Business Improvement District,” is hereby adopted to read as follows:

Chapter 3.75
BUSINESS IMPROVEMENT DISTRICT

Sections:
3.75.010 Area Established.
3.75.020 Levy of Assessments.
3.75.030 Programs.
3.75.040 Assessment Methodology.
3.75.050 Rate Changes.
3.75.060 Deposit of Revenues.
3.75.070 Collection Schedule.
3.75.080 Delinquent Payments.
3.75.090 Notices.
3.75.100 Disputes.
3.75.110 Expenditures.
3.75.120 Members Advisory Board.
3.75.130 Business Improvement District Fund Oversight.
3.75.140 Contract for Program Management.

ECC 3.75.010. Area Established. As authorized by Chapter 35.87A RCW, there is hereby established an Edmonds Downtown Business Improvement District ("EDBID") within the following boundaries as shown on the map attached as “Exhibit A”(when a street or alley is named,

the area boundary is the centerline of the right-of-way including vacated portions unless otherwise specified in the description). The EDBID includes the parcels with the tax ID numbers set forth in Attachment B hereto, which is incorporated herein as set forth in full (for additional detail, please see the attached map). In case of a conflict between the list of parcels (Exhibit B) and the map (Exhibit A), the map shall control.

ECC 3.75.020. Levy of Assessments. To finance the programs authorized in Section 030, the owners and operators of businesses (collectively, "Members") in the EDBID described in Section 1 shall pay and be subject to a special assessment in the amount listed in Table 1 below. The Assessment shall be measured by the type and square footage of the business, subject to calculations and limitations in Section 040. Residential properties and the residential component of mixed-use properties shall not be subject to the special assessments. Commercial properties, or the portions thereof, that are vacant (do not contain a business) shall not be assessed.

ECC 3.75.030. Programs. Assessment revenues may be used for any combination of the following component programs, but not for any other purpose:

- A. Marketing & Hospitality
 - a. Maps/Brochures/Kiosks/Directories
 - b. Web Site
 - c. Social Media
 - d. Marketing/Advertising Campaigns
 - e. Holiday Decorations
 - f. Street Performers/Artists
 - g. Historic Education/Heritage Advocacy
 - h. Special Public Events

B. Safety & Cleanliness

- a. Maintenance
- b. Security
- c. Pedestrian Environment Enhancements

C. Appearance & Environment

- a. Design Enhancements
- b. Neighborhood Advocacy & Communication
- c. Streetscapes/Lighting/Furniture

D. Transportation

- a. Transportation Alternatives
- b. Directional Signage
- c. Parking Management & Mitigation

E. Business Recruitment & Retention

- a. Education/Seminars
- b. Market Research
- c. Business Recruitment

F. Organization

- a. Contract Staff & Professional Services
- b. Administration Costs.

ECC 3.75.040. Assessment Methodology. The special assessment amount shall be based on the type of business multiplied by the square footage of a business. There shall be two business classifications for the purposes of calculating the assessment: “open door” businesses (e.g., restaurants, retailers, banks, etc.); and “by appointment” businesses (e.g., hair

salons, doctors, lawyers, nail salons, insurance providers, counselors, financial advisors, etc.).

Open door establishments are assessed at a higher rate than by appointment businesses due to the relatively higher benefit that open door businesses are expected to receive from the programs.

Table 1 shows the annual assessment for both classifications of businesses based on their square footage within the EDBID.

Table 1

Square footage	Assessment for "Open Door"	Assessment for "By Appointment"
0-499	\$90 quarter (\$30 per month)	\$30 quarter (\$10 per month)
500-999	\$105 quarter (\$35 per month)	\$45 quarter (\$15 per month)
1000-1999	\$120 quarter (\$40 per month)	\$60 quarter (\$20 per month)
2000-4999	\$135 quarter (\$45 per month)	\$75 quarter (\$25 per month)
5000 and over	\$150 quarter (\$50 per month)	\$90 quarter (\$30 per month)

The initial assessment calculation shall be based on the City of Edmonds' business license records for year 2012. Governmental entities, public utilities, nonprofits operating under Internal Revenue Code section 501(c)(3) shall not be assessed.

ECC 3.75.050. Rate Changes. Changes in the assessment rate shall only be made by ordinance and as authorized by state law.

ECC 3.75.060. Deposit of Revenues. The City of Edmonds will create a Business Improvement District Fund within the City of Edmonds budget; a separate subaccount designated as the Edmonds Downtown Business Improvement District Account (called "the Account"). The following monies shall be deposited in the Account:

- (a) All revenues from assessments levied under this ordinance;
- (b) Gifts, grants and donations;
- (c) Interest and all other income from the investment of Account deposits;

- (d) Reimbursements due to the Account;
- (e) Interest and/or penalties from delinquent accounts; and
- (f) Transfers from other city funds, PROVIDED THAT liabilities of the EDBID shall not be an obligation of the general fund or any other special fund of the city.

ECC 3.75.070. Collection Schedule. Assessments shall be paid and collected on a quarterly basis, PROVIDED THAT Members may opt to pay the full yearly assessment at the time of the billing for the first quarter.

ECC 3.75.080. Delinquent Payments. If the assessment is not paid within sixty (60) days after its due date, a delinquency charge shall be added at the rate of twelve percent (12%) per annum. The Finance Director is authorized to use a City of Edmonds approved collection agency to collect any unpaid assessments. Use of a collection agency will result in a business paying the agency's fee on top of the amount of the BID assessment plus interest and penalties.

ECC 3.75.090. Notices. Notices of assessment, installment payments, or delinquency, and all other notices contemplated by this ordinance shall be sent to the EDBID Member by ordinary mail to the mailing address shown on the Business License as maintained by the City Clerk. Failure of the Member to receive any mailed notice shall not release the Member from the duty to pay the assessment and any interest and delinquency charges on the due date.

ECC 3.75.100. Disputes. Any Member seeking to challenge the amount of an assessment or delinquency charge may submit additional information concerning the classification and/or square footage of the business to the Finance Director or designee, who may

adjust the assessment based on Table 1 if he determines that the original classification and/or square footage was erroneous. The Finance Director shall provide a written determination to the Member, which may be appealed to the City's Hearing Examiner within ten days of the Finance Director's determination by paying an appeal fee in the amount of \$250.00 and filing a notice of appeal with the city clerk that sets forth the alleged error in the Finance Director's determination. The Member has the burden of proof before the Hearing Examiner to show that the assessment or delinquency fee is incorrect.

ECC 3.75.110. Expenditures. Expenditures from the Account shall be made upon vouchers drawn by the Finance Director and shall be used exclusively for the purposes defined in Section 030.

ECC 3.75.120. Members Advisory Board. The Mayor shall appoint, subject to confirmation by the City Council, an interim Members Advisory Board comprised of Members from the EDBID within sixty days of the effective date of this ordinance. The Mayor shall appoint at least seven and no more than eleven interim board members. The interim Board shall be composed of both open door and by appointment EDBID Members, respectively, in rough proportion to the dollar value of assessments to be levied on each classification of businesses. In addition, the Finance Director and the Community Services / Economic Development Director shall be non-voting, ex officio members of the interim board.

The interim Members Advisory Board shall be responsible for proposing bylaws and policy guidelines to the City Council that will address, among other matters, the composition and method of appointing or electing future board members. The initial Member Advisory Board shall submit their proposed bylaws to the city council within 90 days of the city council's confirmation of the mayor's initial appointments. The interim Members Advisory Board shall

also provide advice and consultation to the Finance Director, and to any individual or agency, that may be hired, to manage the day-to-day operations of the Business Improvement District program, on all matters related to the operation of the program.

The interim Members Advisory Board shall recommend a work program and budget for 2013 no later than 90 days after the effective date of this ordinance and shall recommend a work program and budget for all subsequent years no later than September 1st of the year before. The board shall address and discuss Member concerns and questions regarding the EDBID and program; review all reports submitted to the Finance Department by the Member's Advisory Board or Program Administrator, if hired; and sponsor the initial annual Members meeting.

ECC 3.75.130. Business Improvement District Fund Oversight. The Finance Director shall administer the BID Fund for the City with authority to:

(a) Consider adjusting the assessment amount based on an erroneous classification or square footage;

(b) Collect the assessments; refund assessments when overpaid or otherwise improperly collected; extend the deadline for payment; and waive delinquency charges and interest whenever the delinquency results from extenuating circumstances beyond the Member's control, such as a casualty loss causing premature closure of the business, bankruptcy, or the total principal payment due to the City (exclusive of penalty and interest) is Ten Dollars (\$10.00) or less;

(c) Calculate and collect the interest for late payments; and

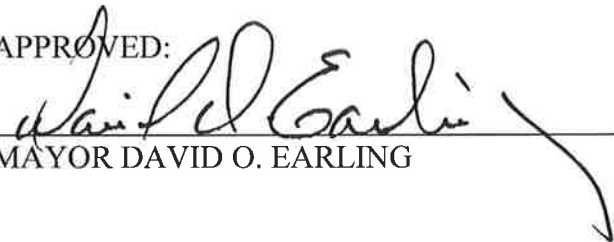
(d) Accept and deposit advance payment of assessments by Members; accept donations from governmental agencies, the public, and owners and operators of businesses.

ECC 3.75.140. Contract for Program Management. The Community Services / Economic Development Director and/or Finance Director shall serve as the Program Administrator until permanent provisions are made pursuant to adopted bylaws.

Section 2. Commencement of Assessments. Assessments shall commence at the beginning of the month following effective date of this ordinance.

Section 3. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary consisting of the title.

APPROVED:


MAYOR DAVID O. EARLING

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JEFF TARADAY

FILED WITH THE CITY CLERK:	01-11-2013
PASSED BY THE CITY COUNCIL:	01-15-2013
PUBLISHED:	01-20-2013
EFFECTIVE DATE:	01-25-2013
ORDINANCE NO. <u>3909</u>	

SUMMARY OF ORDINANCE NO. 3909

of the City of Edmonds, Washington

On the 15th day of January, 2013, the City Council of the City of Edmonds, passed Ordinance No. 3909. A summary of the content of said ordinance, consisting of the title, provides as follows:

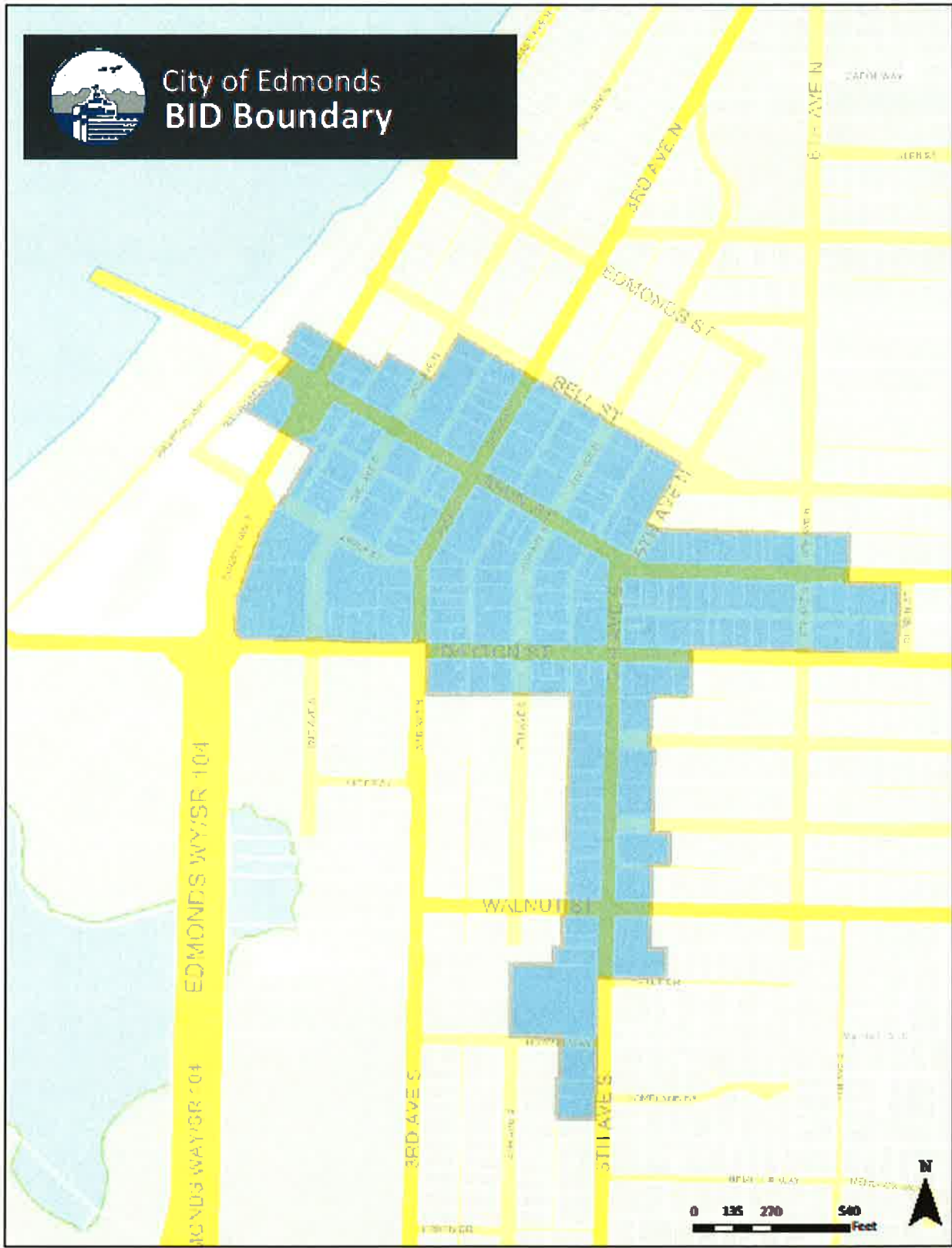
AN ORDINANCE ESTABLISHING AN EDMONDS DOWNTOWN BUSINESS IMPROVEMENT AREA; LEVYING ASSESSMENTS UPON BUSINESS OWNERS; PROVIDING FOR THE DEPOSIT OF REVENUES IN A SPECIAL ACCOUNT AND EXPENDITURES THEREFROM; PROVIDING FOR COLLECTION OF AND PENALTIES FOR DELINQUENCIES; PROVIDING FOR THE ESTABLISHMENT OF A MEMBERS ADVISORY BOARD; AND PROVIDING FOR A BUSINESS IMPROVEMENT DISTRICT PROGRAM ADMINISTRATOR.

The full text of this Ordinance will be mailed upon request.

DATED this 16th day of January, 2013


CITY CLERK, SANDRA S. CHASE

Attachment A





City of Edmonds BID Boundary & Zoning



City of Edmonds
121 5th Ave N
Edmonds, WA

Downtown Business Improvement District



1 inch = 250 feet



Attachment B

Parcel IDs Associated with Edmonds Downtown Business Improvement District

00434400100601	00830800020500	27032300407700	27032300406500
00434202101600	00871500010000	00434209703702	27032300405800
00434202101800	00871500010100	00434209703700	00434212003900
00434202101900	00787600010000	00952100010100	00434212003700
00434202102100	00787600020100	00952100000201	00434212003800
00434202102300	00787600020200	00952100000301	27032300404400
00434202102600	00787600020300	00952100000001	27032300405400
00434202102800	00863300010100	00952100000002	27032300405600
00434202102900	00863300020100	00952100000003	27032300405500
00434202103000	00863300020200	00952100000004	00434401500601
00434202103100	00863300020300	00952100000005	00434401500602
00434212000302	00434401200300	00952100000006	00454800102000
00434212000500	00858900120100	00952100000007	27032300408500
00434212000600	00858900120200	00952100000008	00678200010100
00434212000700	00858900120400	00952100000009	00678200010200
00434212000900	00858900120300	00952100000010	00678200010300
00434212001100	00434400700402	00952100000011	00678200010400
00434212001200	00434400700500	00952100000012	00678200010500
00434212001500	00434400700700	00952100000013	00678200010600
00434212001700	00434400700800	00952100000014	00678200010700
00434212002100	00434400700300	00952100000015	00678200010800
00434212002400	00434400700401	00952100000016	00678200020100
00434212002600	00434400600100	00952100000017	00678200020200
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00434209700300	00434400600600	00952100000025	00678200030200
00434209700900	00434400101002	00952100000026	00678200030300
00434209703100	00434400101100	00952100000027	00678200030400
00434209703400	00434400101202	00952100000028	00678200030500
00682200000100	00434400101201	00952100000029	00678200030600
00682200000200	00864100010000	00952100000030	00678200030700
00682200000300	00864100020000	00952100000031	00678200030800
00682200000400	00864100020100	00952100000202	00678200040100
00682200000500	00864100020200	00952100000203	00678200040200
00682200000600	00864100020300	00952100000204	00678200040300
00682200000700	00864100020400	00952100000205	00678200040400

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00454800101300		00924700000200		01016400001800		00434401300102
00454800101700		00924700000300		01016400001900		27032600102500

00454800200400		00924700000400		01016400002000		27032600100100
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00454800201900		00924700000800		27032300407000		27032600100900
00830800020100		00924700000900		27032300406900		27032600102900
00830800020200		00924700001000		00434212000101		
00830800020300		00924700001100		00434212000102		
00830800020400		00924700001200		00434212000301		

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.

SUMMARY OF ORDINANCE NO. 3909 of the City of Edmonds, Washington

On the 15th day of January, 2013, the City Council of the City of Edmonds, passed Ordinance No. 3909. A summary of the content of said ordinance, consisting of the title, provides as follows:
AN ORDINANCE ESTABLISHING AN EDMONDS DOWNTOWN BUSINESS IMPROVEMENT AREA; LEVYING ASSESSMENTS UPON BUSINESS OWNERS; PROVIDING FOR THE DEPOSIT OF REVENUES IN A SPECIAL ACCOUNT AND EXPENDITURES THEREFROM; PROVIDING FOR COLLECTION OF AND PENALTIES FOR DELINQUENCIES; PROVIDING FOR THE ESTABLISHMENT OF A MEMBERS ADVISORY BOARD; AND PROVIDING FOR A BUSINESS IMPROVEMENT DISTRICT PROGRAM ADMINISTRATOR.

The full text of this Ordinance will be mailed upon request.
DATED this 16th day of January, 2013.

CITY CLERK, SANDRA S. CHASE

Published: January 20, 2013.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 3909

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

January 20, 2013

and that said newspaper was regularly distributed to its subscribers during all of said period.

Karen E. Ziemer

Principal Clerk

Subscribed and sworn to before me this

21st

day of

January, 2013

Diana L. Hendrix

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

